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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,414	03/12/2001	Gregory P. Lewis	MEDN117116	3502

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EXAMINER
FRENEL, VANEL

ART UNIT	PAPER NUMBER
3626	

DATE MAILED: 05/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/808,414	LEWIS ET AL.	
	Examiner	Art Unit	
	Vanel Frenel	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 April 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Notice to Applicant

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/17/06 has been entered.

2. This communication is in response to filed on 04/17/06. Claims 1-3, 7-9 and 13-15 have been amended. Claims 1-18 are pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-4 and 6-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al (6,032,119) in view of Melrose (6,272,468) and further in view of Dormond et al (4,839,822).

(A) As per claim 1, Brown discloses a computer-readable medium having computer-executable component for enabling a user to access healthcare information (Brown, Abstract; Col.3, lines 65-Col.4, line 9), the computer-executable component comprising: an anatomic user interface for displaying an anatomic model from which the user selects an anatomic structure of interest (Brown, Col.6, lines 46-65), wherein upon selection of the anatomic structure, the anatomic user interface displays the healthcare information that is associated with the selected anatomic structure (Brown, Col.6, lines 62-Col.7, line 14).

Brown does not explicitly disclose wherein the healthcare information is organized according to an anatomic data model and comprises medical history information for a patient including healthcare service order information, medical event information and medical encounter information.

However, this feature is known in the art, as evidenced by Melrose. In particular, Melrose suggests wherein the healthcare information is organized according to an anatomic data model and comprises medical history information for a patient including healthcare service order information, medical event information and medical encounter information (See Melrose, Abstract; Col.3, lines 16-66).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Melrose within the system of Brown with the motivation of providing the clinician or patient user accesses the System's human body model, medical record and other facilities via any client system using the intuitive, easy-to-use, flexible and robust interactive information management user interfaces that are

included to define, explore or update an instantiated model (See Melrose, Col.5, lines 37-42).

Brown and Melrose do not explicitly disclose that the computer medium having "originating from disparate sources", wherein the healthcare information is associated with an anatomic structure according to a data model, and further wherein the data model facilitates accessing the healthcare information by anatomic structure including accessing medical history information including healthcare service order information, medical event information and medical encounter information associated with the selected anatomic structure of the patient.

However, these features are known in the art, as evidenced by Dormond. In particular, Dormond suggests that the computer medium having "originating from disparate sources", wherein the healthcare information is associated with an anatomic structure according to a data model, and further wherein the data model facilitates accessing the healthcare information by anatomic structure including accessing medical history information including healthcare service order information, medical event information and medical encounter information associated with the selected anatomic structure of the patient (See Dormond, Col.3, lines 62-68 to Col.4, line 36).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Dormond within the collective teachings of Brown and Melrose with the motivation of providing an expert system capable of providing a treatment recommendation based upon specific classes of orthopedic trauma (See Dormond, Col.2, lines 38-41).

(B) As per claim 2, Dormond discloses the computer-readable medium wherein the healthcare service order information comprises a treatment plan for a patient consisting of a predetermined sequence of healthcare service orders including healthcare information organized according to the data model (See Dormond, Col.7, lines 47-62).

The motivation for combining the respective teachings of Brown, Melrose and Dormond are as discussed in the rejection of claim 1, and incorporated herein.

(C) As per claim 3, Brown discloses the computer-readable medium having a further computer-executable component comprising an order engine for submitting an order for at least one healthcare service to a service provider (See Dormond, Col.7, lines 47-62).

The motivation for combining the respective teachings of Brown, Melrose and Dormond are as discussed in the rejection of claim 1, and incorporated herein.

(D) As per claim 4, Brown discloses the computer-readable medium wherein the order engine submits a plurality of orders comprising a treatment plan to a service provider (See Brown, Col.6, lines 30-44).

(E) As per claim 6, Brown discloses the computer-readable medium wherein the order identifies the at least one healthcare service, a medical event associated with the healthcare service and at least one medical encounter associated with at least one healthcare service (See Brown, Col.6, lines 30-45).

(F) As per claim 7, Brown discloses in a computer system, a method for accessing healthcare information for a patient, the method comprising: displaying an anatomical model of the patient in a display device of a computer system (Brown, Col.3, lines 65-Col.4, line 9); using navigating the anatomic model to drill down to and select anatomic structure of the patient with an input device connected to the computer system (See Brown, lines 65-Col.4, line 9).

Brown does not explicitly disclose displaying healthcare information associate with the selected anatomic structure on the display device, wherein the healthcare information is organized according to an anatomic data model and comprises medical history information for a patient including healthcare service order information, medical event information and medical encounter information.

However, this feature is known in the art, as evidenced by Melrose. In particular, Melrose suggests displaying healthcare information associate with the selected anatomic structure on the display device, wherein the healthcare information is organized according to an anatomic data model and comprises medical history information for a patient including healthcare service order information, medical event information and medical encounter information (See Melrose, Abstract; Col.3, lines 16-66).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Melrose within the system of Brown with the motivation of providing the clinician or patient user accesses the System's human body

model, medical record and other facilities via any client system using the intuitive, easy-to-use, flexible and robust interactive information management user interfaces that are included to define, explore or update an instantiated model (See Melrose, Col.5, lines 37-42).

Brown and Melrose do not explicitly disclose that the computer system having "associated with an anatomic structure according to a data model, and further wherein the data model facilitates accessing the healthcare information by selected anatomic structure, including accessing medical history information by the selected anatomic structure for the patient including healthcare service order information, medical event information and medical encounter information associated with the selected anatomic structure of the patient".

However, these features are known in the art, as evidenced by Dormond. In particular, Dormond suggests that the computer system having "associated with an anatomic structure according to a data model, and further wherein the data model facilitates accessing the healthcare information by selected anatomic structure, including accessing medical history information by the selected anatomic structure for the patient including healthcare service order information, medical event information and medical encounter information associated with the selected anatomic structure of the patient (See Dormond, Col.3, lines 62-68 to Col.4, line 36).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Dormond within the collective teachings of Brown and Melrose with the motivation of providing an expert system capable of

providing a treatment recommendation based upon specific classes of orthopedic trauma (See Dormond, Col.2, lines 38-41).

(G) As per claim 13, Brown discloses a system for assessing healthcare information comprising: a user computer operative to: display an anatomic model of the patient enable the user to drill down to and select an anatomic structure of the patient from a higher-level anatomic model (Brown, Col.3, lines 65-Col.4, line 9); and display healthcare information associated with the selected anatomic structure (Brown, Col.6, lines 46-67); and an application server operative to: receive the selected structure from the user computer (Brown, Col.3, lines 40-67).

Brown does not explicitly disclose provide the user computer with the healthcare information associated with the selected anatomic structure for display, wherein the healthcare information is organized according to an anatomic data model and comprises medical history information for a patient including healthcare service order information, medical event information and medical encounter information.

However, this feature is known in the art, as evidenced by Melrose. In particular, Melrose suggests provide the user computer with the healthcare information associated with the selected anatomic structure for display, wherein the healthcare information is organized according to an anatomic data model and comprises medical history information for a patient including healthcare service order information, medical event information and medical encounter information (See Melrose, Abstract; Col.3, lines 16-66).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Melrose within the system of Brown with the motivation of providing the clinician or patient user accesses the System's human body model, medical record and other facilities via any client system using the intuitive, easy-to-use, flexible and robust interactive information management user interfaces that are included to define, explore or update an instantiated model (See Melrose, Col.5, lines 37-42).

Brown and Melrose do not explicitly disclose that the system having "associated with an anatomic structure according to a data model, and further wherein the data model facilitates accessing the healthcare information by selected structure including accessing medical history information for a patient by the selected structure the medical history information including healthcare service order information, medical event information and medical encounter information associated with the selected anatomic structure of the patient".

However, this feature is known in the art, as evidenced by Dormond. In particular, Dormond suggests that the system having "associated with an anatomic structure according to a data model, and further wherein the data model facilitates accessing the healthcare information by selected structure including accessing medical history information for a patient by the selected structure the medical history information including healthcare service order information, medical event information and medical encounter information associated with the selected anatomic structure of the patient (See Dormond, Col.3, lines 62-68 to Col.4, line 36).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Dormond within the collective teachings of Brown and Melrose with the motivation of providing an expert system capable of providing a treatment recommendation based upon specific classes of orthopedic trauma (See Dormond, Col.2, lines 38-41).

(H) Claims 8-12 and 14-18 repeat the subject matter of computer-readable medium of claims 2-6, respectively, as a series of steps rather than a set of apparatus elements. As the underlying structure of claims 2-6, have been shown to be fully disclosed by the teachings of Brown and Berman in the above rejections of claims 2-6, it is readily apparent that the computer-readable medium disclosed by Brown, Berman and Melrose includes the steps to perform these functions. As such, these limitations are rejected for the same reasons given above for computer-readable claims 2-6, and incorporated herein.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al (6,032,119), Melrose (6,272,468) in view of Dormon et al (4,839,822) as applied to claims 1-4 and 6-18 and further in view of Berman et al (5,995,939).

(A) As per claim 5, Brown, Melrose and Dormond disclose the computer-readable medium wherein the order engine automatically (The Examiner interprets prescribed treatment to be a form of order See Brown, Col.4, lines 4-41). Brown, Melrose and

Dormond do not explicitly disclose notifies the user in real–time if the order is accepted by the service provider or if the authorization for the order is received from the payor.

However, this feature is known in the art, as evidenced by Berman. In particular, Berman suggests notifies the user in real–time if the order is accepted by the service provider or if the authorization for the order is received from the payor (See Berman, Col.4, lines 3-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Berman within the collective teachings of Brown, Melrose and Dormond with the motivation of providing service provider processes the service request message and the results are formatted into a fulfilled service request message, which the sponsor system e-mails back to the requesting client using the mail server system (See Berman, Col.2, lines 46-49).

Response to Arguments

6. Applicant's arguments filed 4/17/06 have been fully considered but they are not persuasive. Applicant's arguments will be addressed hereinbelow in the order in which they appear in the response filed 4/17/06.

(A) At pages 6-12 of the 4/17/06 response, Applicant argues that the newly added features in the 4/17/06 amendment are not taught or suggested by the applied references.

In response, all of the limitations which Applicant disputes as missing in the applied references, including the features newly added in the 4/17/06 amendment, have

been fully addressed by the Examiner as either being fully disclosed or obvious in view of the collective teachings of Brown, Melrose, Berman and Dormond, based on the logic and sound scientific reasoning of one ordinarily skilled in the art at the time of the invention, as detailed in the remarks and explanations given in the preceding sections of the present Office Action and in the prior Office Action, and incorporated herein. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In addition, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not the applied art teaches computer graphic and live video system for enhancing visualization body structures during surgery (5,40,802) and automated data entry system and method for generating medical records (2003/0033169).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 571-272-6769. The examiner can normally be reached on Monday-Thursday from 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

V.F

V.F

May 12, 2006

C. LUKE GILLIGAN
PATENT EXAMINER